

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

JEFFREY HUNTINGTON,  
 Plaintiff,  
 -vs-  
 SMOKE CITY FOR LESS, LLC; VAPOR  
 BEAST, LLC; and DOES 2-50,  
 Defendants.

Case No. **4:22-CV-05014-MKD**

**CIVIL MINUTES**

**DATE: MARCH 28, 2024**

**LOCATION: RICHLAND VIDEO  
 CONFERENCE**

**SCHEDULING CONFERENCE**

<b>Honorable Mary K. Dimke</b>		
Cora Vargas <b>Courtroom Deputy</b>	02 <b>Law Clerk</b>	Kimberly Allen <b>Court Reporter</b>
Kevin Dalia Corrie Johnson Yackulic	John Raschko for Smoke City for Less Erin Fraser and Tori Levine for Vapor Beast	
<b>Plaintiff's Counsel</b>	<b>Defendants' Counsel</b>	

**Open Court**

**Chambers**

**Video conference**

The Court informed counsel that a hearing with oral argument needs to be set on the pending motion to dismiss, ECF No. 69. After discussion, the Court and counsel agreed to a hearing date of **April 26, 2024 at 10:00 AM** by video conference – counsel may appear in person if they wish.

The Court and counsel discussed proposed dates and deadlines submitted by counsel.

After discussion, the Court and counsel set the following schedule:

Initial Disclosure Deadline:	14 days after ruling on motion to dismiss
Plaintiff's Expert Deadline:	07/29/2024
Defendants' Expert Deadline:	08/26/2024
Expert Rebuttal Deadline:	09/23/2024
Discovery Deadline:	10/04/2024
Daubert and Dispositive Motion Deadline:	10/11/2024

**Pretrial Conference: 02/13/2025 at 1:30 PM in Richland – parties may request video if no testimony**  
**Jury Trial: 03/03/2025 at 9:00 AM in Richland, with Final PTC at 8:30 AM**

Other dates and procedures to be addressed in Scheduling Order.

**ORDER FORTHCOMING**

<b>CONVENED: 9:35 A.M.</b>	<b>ADJOURNED: 9:57 A.M.</b>	<b>TIME: :22 HR.</b>	<b>CALENDARED</b>	<input checked="" type="checkbox"/> <b>[X]</b>
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*Huntington -vs- Smoke City for Less, et al.*  
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Scheduling Conference

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The Court informed counsel of the following:

- Dates may be amended only by order of the Court after a motion is filed, not by stipulation only;
- The Court's discovery dispute and settlement/mediation processes;
- Local rules must be adhered to; and
- Hearings may be conducted by video upon request if testimony will not be presented.

Ms. Levine requested clarification as to whether they are allowed to discuss a video recorded by the Plaintiff at a store in the State of Oregon when they engage in depositions in Washington State.

- Mr. Dalia indicated the video was taken in Oregon and suggested that Oregon law controls and Oregon's recording statute was deemed constitutional at the time the video was recorded.
- Additional comments by Ms. Levine.
- Mr. Dalia requested the parties be allowed to brief the issue.

**Court:** the parties shall confer regarding a briefing schedule on the issue and shall email their proposed schedule to the courtroom deputy. The Court will set a hearing for a date approximately two weeks after the issue is fully briefed.